

**REMARKS**

Claims 1-5, 9 and 11-13 now stand in the application, new claims 11 and 12 having been added. Claims 1-5 and 9 stand rejected. Reconsideration of the application and allowance of all claims are respectfully requested.

With regard to the rejection stated in paragraphs 1-4 of the Office action, the term “neutralize is believed clear in that it is defined in the specification. Nonetheless, it has been replaced with the self-explanatory phrase “inhibiting functionality.” New claims 11 and 12 have been added to further specify the manner in which functionality may be inhibited, as set forth in the specification, in the thirteenth paragraph of the Detailed Description (paragraph [0035] in the published application 2004/0136516. The phrase “not sufficiently functional” has also been replaced with the term “congested” description in the same paragraph of the specification, as well as in the last paragraph of the specification, and new claim 13 has been added for further specificity on this point.

In the Office action mailed November 21, 2006, the examiner indicated allowable subject matter in all of claims 4, 9 and 10, rejected claim 7 for anticipation by Kobayashi, and rejected claims 1-3, 5 and 8 as unpatentable over Kobayashi in view of Kato. Applicants elected to accept the allowable claims, and therefore incorporated claim 10 into claim 1. In the present Office action, the examiner has rejected claims 1-3, 5 and 9 as unpatentable over Kobayashi in view of Kato and newly-cited Stumer (USP 6,473,437), and has rejected claim 4 s unpatentable over the combination of Kobayashi, Kato and newly-cited Barnes (USP 5,416,779). These rejections are respectfully traversed.

Claim 1 currently corresponds to former claim 10, and the subject matter of claim 1 incorporated from claim 10 is that the at least one additional signaling channel of the second access can be formed from an information channel of the first access. At lines 41-51 of column 4, Stumer describes that it is possible to carry some form of signalling data in a B-channel. The examiner does not explain her reasoning clearly, but it appears to be her position that this would mean that a B-channel is both a communication channel and a signaling channel, so that if a B-channel of one access is used as a B-channel for the other access, this would satisfy the requirement of claim 1 regarding the use of an information channel of one access for a signalling channel of another access.

There are at least several flaws in this rationale. First, claim 1 of the present application clearly draws a distinction between an information channel and a signalling channel. The examiner may read the claims as broadly as is reasonable during the course of examination, but it is not reasonable to read the claims such that information and signaling channels are the same thing.

Second, granting that a B-channel may carry some signaling information, the signaling information carried by the B-channel would logically relate to the information being carried in that B-channel. There is no suggestion in Stumer that the signaling information carried in a B-channel would be related to information carried in some other B-channel. Claim 1 describes the additional signaling channel as being used in conjunction with the at least one information channel. This is not taught or suggested by Stumer.

Third, with respect in particular to claim 9, that claim recites the use of a B-channel of the second access as an additional signaling channel in conjunction with one of the plurality of information channels of the first access. This is not shown in Stumer and does not inherently result from simply the concept of a B-channel carrying some signaling information as noted in Stumer.

For the above reasons, it is submitted that claim 1 is neither shown nor suggested in the art of record, so that claim 1 and its dependent claims 2, 3, 5 and 9 are in condition for allowance.

As to claim 4, the claim has been amended for clarity, and it requires that when the signaling channel is congested, one or more of the information channels can be neutralized such that the neutralized channel cannot be used for setting up calls or modifying existing calls. The examiner reads the claimed “neutralizing” excessively broadly, and considers it to read on the operation of Barnes et al wherein a B-channel can be muted when errors are detected. But Barnes is simply seeking to prevent the user from having to listen to the poor sound quality of a degraded channel. There is nothing that suggests this should be done when a signaling channel is not sufficiently functional. Further, muting a channel is not neutralizing it, nor is it inhibiting the functionality of a channel. The channel still works to its fullest, and it is only the reproduction of audio from the channel that is affected in Barnes.

Finally, claims 11-13 have been added to further specify that the neutralized channel is unavailable for setting up calls (claim 11), unavailable for modification of calls (claim 12),

and/or that the neutralizing is performed when the signaling channel is congested (claims 11 and 13). These aspects of the invention are simply not taught in the art of record.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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